

MINUTES
TOMSA board meeting
Thursday, November 21, 2013

The meeting was video recorded. Sound quality may be poor in parts due to some board members speaking too softly. If you have any questions about what was discussed, call TOMSA at 732-495-1010.

Prior to the start of the meeting, attendee Linda Baum attempted to place her audio recorder on the shelf at the opposite end of the room per prior agreement with TOMSA's director. (Permission was given in order to move the recorder away from the loud blower on the other end of the room.) She was prevented from doing so by board chair Chantal Bouw, who did not give a legal reason for her objection. Ms. Baum stated that she had obtained prior permission, that it was a public building, that the meeting had not yet started and that there should not be a problem. The director placed the recorder on the shelf on Ms. Baum's behalf and retrieved it for her when the meeting ended.

The public meeting began at 7:30 p.m. and ended at 8:30 p.m. All 7 board members (5 voting and 2 alternates) were present: DeMarco (alternate, not voting), Rogers, Smith, Stokes (alternate, voted for Zapcic until his arrival), Wrede (vice chair), Bouw (chair), and Andrew Zapcic (arrived at 7:35). Also present were Richard Leahey (attorney), John Van Dorpe (engineer), Raymond Nierstedt (director), George Nole (maintenance manager), Brian Hrycyk (superintendent), and Marie Schillberg (recording secretary). Ms. Schillberg left early. William Meyler (auditor) was absent.

The minutes for the September and October public meetings were adopted.

The consent agenda was discussed. Mr. Stokes noted that the operating bills identify where employee contributions for pension and supplemental annuities are listed and suggested that a line item be added to identify where employee contributions for healthcare are included. The consent agenda was adopted 5-0.

Ms. Bouw noted that postage was increasing. She said she checked into whether or not the meter could be pre-loaded to save on mailing costs and learned it was not allowed. Stamps can be purchased, however.

Engineer's report - John Van Dorpe discussed the status of a number of projects. (*video time stamp 00:06*)

- Hurricane Sandy support services – Info is being input into a spreadsheet as it comes in and is paid.
- Deepdale Drive manhole repair – TOMSA is waiting on DEP response / final approval.
- digester gas / co-gen project – Study of generator building expected to be completed in early December. Certain aspects of the project are being re-evaluated / modified. Storage capacity was discussed – cutting the storage in half would save \$250K-\$300K. Van Dorpe said the initial estimate was \$4.5M for the co-gen project (not including generator). That is down to about \$3.0M with modifications. Leahey sent a letter to the BPU to request an extension of grant funding. The BPU responded that they were aware of the situation (storm delay) and that no extension request was required at this time.
- Main Street repair – on hold
- Pump station emergency facilities / susceptibility to flooding evaluations – Reports done. Site review with gas co. of 5 pump stations (including Emory Drive) completed and applications submitted. George Nole was at site meetings along with rep for Van Dorpe's firm.
- Emory Drive pump station force main – Application submitted to DEP together with the onsite plans for Bamm Hollow. It is expected to be a month or two before the DEP responds on the application.
- Emory Drive pump station improvements – Out to bid. Bids due in Dec. 5

Resolution 77/13 was adopted (5-0), approving the preliminary and final application for White Castle Restaurant, Route 36 and Main St. Leahey noted that the application had come to TOMSA by court order, not

by Planning Board resolution, but that TOMSA does not treat it any differently. Ms. Bouw noted the lots in question were initially slated for 2 residential units and is now commercial. She asked about connection fees under the new plan, which are about \$2500.

Resolution 78/13 was adopted (5-0), approving the preliminary and final application for 180 Turning Lives Around, Magnolia Lane near Rt. 35. Ms. Bouw recommended obtaining the contractor's plans to better understand the requirements. Twelve boarding rooms are planned.

Resolution 79/13 was adopted (5-0), approving the preliminary and final application by Roger Mumford for Carnegie Manor, Magnolia Lane near Rt. 35. Six new family units are planned. Ms. Bouw recused herself from the vote; Stokes voted in her place.

Director's Monthly Status Report – Raymond Nierstedt reported:

- no lost time accidents in October 2013
- Year to date, revenue is a little below budget, expenses are 21% below budget.
- FEMA & JIF reimbursements were discussed. Last month, TOMSA got one check for \$900, making total FEMA reimbursements so far \$61,000. \$247,000 was received from the JIF for vehicles. TOMSA put in 3 'letters of intent' with the state quickly after Sandy. One was for a new generator. The township has been notified that it received a grant of \$500K for various letters of intent, and TOMSA's piece of that is \$159,000. TOMSA can use the money to raise their building or for any purpose as long as they account for it. The total cost to raise the administrative building is \$1 million.
- Collection system report - 27 calls in October, some for blockages; 9 lateral dig-ups. A certain type of underground valve has been malfunctioning. George Nole said that the problem is a right-angle gear-driven operator on the valves. Nole said that faulty valves will be replaced with another type of valve that has had no problems.
- The Fairview wetwell is to be cleaned, a 2-day project.
- 1 new subdivision application and 1 new connection fee for October.
- Nierstedt met with Jason Greenspan from the Twp Planning Dept regarding hurricane preparedness.

Resolution 80/13 was adopted (5-0), approving the hiring of Brian Rischman as staff engineer. Rischman formerly worked at T&M.

Key indicators were discussed, including lost time accidents, sick days, financials. Ahead for the year on investment interest. The billing collection rate is 92%. There will be a tax lien sale in December. Ahead for the year on new connections. Electricity use is down due to lower flow. New aeration tanks are working very well.

Construction fund analysis – for capital projects in design or study phase. Wrede mentioned that the project cost estimate for Emory Drive should be included in the projects summary because resources have been committed to the project.

Sandy recovery was discussed. FEMA assigned claim numbers, but the state assigned their own claim numbers, so TOMSA had to reconcile them. So far TOMSA has recovered \$247,000 from the JIF and \$61,000 from FEMA. Work is needed to determine why some projects were deemed ineligible. Nierstedt said he feels TOMSA may be eligible for another \$600K between FEMA and JIF.

The board asked TOMSA reimbursements from FEMA in relation to other sewerage authorities. Some board members felt that TOMSA was being penalized for having "kept up" the plant or that politics are playing a part. It was noted that BRSA, which suffered much greater damage from Sandy, got \$6M in FEMA monies. A board member mentioned that other authorities along the east coast – such as Long Branch -- are still waiting for a response, too. A board member recommended follow-up with federal reps and senators.

PUBLIC COMMENTS:

Attendee Linda Baum had the following comments/questions & received the following *responses in italics*:

- Ms. Baum asked what the date is for the upcoming tax lien sale in December. *The board did not know because the Township handles the sale. (A sign in TOMSA's administrative office states that Nov. 27 is the last day to pay delinquent charges in order to avoid an additional publication fee.)*
- Ms. Baum asked about the background/ prior employment for the staff engineer that was just hired and when he started. *She was told he has experience in wastewater management and came from a private firm, which was not named. He started on Nov. 14.*
- Ms. Baum said that she had obtained a copy of the 1999 resolution hiring the recording secretary, Marie Schillberg, and that it was unusually short at only 20 words and did not mention the job duties (or salary). Baum stated that it appears Ms. Schillberg records only the votes but takes no meeting minutes, and she asked the board what they felt the job duties are. *No board members responded and their attorney, Richard Leahey, advised them not to. Leahey said that none of the current board members were on the board in 1999, which Ms. Baum pointed out is not true.* She pointed out that what matters is what the current board members are doing. Ms. Baum also questioned why it was necessary to have the board's attorney do all the talking for something that did not require a legal opinion.
- Ms. Baum noted that Mr. Stokes had requested earlier that an entry be added to certain reports to clarify that employees are contributing toward their health care. She asked if board members also were. *Again, only the attorney spoke. He said that all members are compliant with statute.* Ms. Baum asked for a yes or no answer directly from board members Smith and Bouw, who are enrolled for health benefits. *Both chose not to answer.*

Before entering executive session, the attorney read the executive session resolution and mentioned only the general categories for which an executive session may be held. The board then closed the public session. Ms. Baum pointed out that the law requires more detail so that the public will have enough information about what will be discussed to request the executive session minutes if desired.

The public session closed at 8:30 pm.